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UNITED STATES PATENT AND TRADEMARK OFFICE

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09/765,008	01/18/2001	Tomohiro Tsunoda	450100-02948	7265

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EXAMINER
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ART UNIT	PAPER NUMBER
2611	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/765,008	TSUNODA ET AL.
	Examiner	Art Unit	
	Dominic D Saltarelli	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2001*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-108* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48,50,52-54,56-86,88-90,92 and 94-108* is/are rejected.

7)☒ Claim(s) *49,51,55,87,91 and 93* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/20/04*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Specification

1.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2.   The abstract of the disclosure is objected to because it exceeds 150 words and begins with the phrase "Disclosed is...", which can be implied. Correction is required.

See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Regarding claim 57, the phrase "or the like" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-46, 52-54, 56-58, 61-66, 69-86, 88, 94-96, 100-102, and 105-108 are

rejected under 35 U.S.C. 103(a) as being unpatentable over Maillard et al. (EP 0 963

115 A1, listed on the IDS submitted January 20, 2004) [Maillard] in view of Sezan et al.

(6,236,395) [Sezan].

Regarding claims 1 and 73, Maillard discloses a data communication

system (fig. 1) comprising:

A transmitting appartatus (fig. 1, broadcaster 170, servers 150 and 180,

database 100, and data inserter 110) incorporating a contents data generating

means for generating contents data (broadcaster 170 and data inserter 110);

A plurality of receiving apparatuses (fig, 1, interactive terminal 160,

paragraph 34);

A data transmitting apparatus which transmits data between said

transmitting apparatus and said receiving apparatuses (fig. 1, broadcasting

network 120 and return path network 140, paragraphs 34 and 35);

A data selecting and receiving means wherein at least one of said plural

receiving apparatuses selects and receives data transmitted from said

transmitting apparatus (the receiver means of interactive terminal 160, paragraph

37);

A received data processing means for processing data received by said

data selecting and receiving means (the processor of interactive terminal 160,

paragraph 37), and

A profile ID linking means which initially generates a profile ID

corresponding to a profile related to said contents data and then causes said

profile ID to be linked with said contents data (the profile ID is, in this example,

the 544 byte code, or filter, associated with broadcast material, paragraph 56);

wherein

A receiving device (160) incorporating a received profile ID data memory

means for storing a profile ID data (paragraph 38) including a receivable profile

ID (in instances where the server 180 updates stored profile data, paragraph 42)

is incorporated in at least one of said receiving apparatuses; and

Said data selecting and receiving means selects and receives data based

on said profile ID (paragraphs 47, 48, and 57).

Maillard fails to disclose the received profile ID data memory means is

interchangeably incorporated in the receiving apparatus.

In an analogous art, Sezan teaches storing profile data used in selecting

content for display to users on a modular and portable storage media (col. 5 line

66 – col. 6 line 22), allowing a user to apply their personal filtering preferences to

any number of receivers (col. 10, lines 38-65).

It would have been obvious at the time to a person of ordinary skill in the

art to modify the apparatus disclosed by Maillard to include the received profile

ID data memory means to be interchangeably incorporated in the receiving

apparatus, as taught by Sezan, for the benefit of allowing a user to apply their

personal filtering preferences for selectively receiving content to any number of

receiver apparatuses.

Regarding claim 2, Maillard and Sezan disclose the apparatus of claim 1,

wherein said profile ID linking means causes said profile ID to be linked to said

contents data by addition (Maillard teaches profile IDs are generated by adding a

series of parameters associated with the contents data, paragraph 56), and said

data selecting and receiving means selects and receives said contents data

based on said profile ID (Maillard, paragraphs 47, 48, and 57).

Regarding claim 3, Maillard and Sezan disclose the apparatus of claim 1,

wherein Maillard teaches said profile ID linking means comprises:

A profile generating means for generating a profile related to said contents

data (the means which either identifies or extracts the parameters which make up

the broadcast script which defines the filter, or profile ID, paragraphs 45 and 56);

A profile ID generating means for generating a profile ID in

correspondence with said profile of said contents data generated by said profile

generating means (the means which, using the parameters describing content,

creates the filter which is subsequently associated with the content, paragraph

56);

A profile data memory means for storing a profile data including said profile related to said contents data generated by said profile generating means and said profile ID generated by said profile ID generating means and related to each of said corresponding profiles (an inherent feature, as this is a digital system, and the dynamic processing of content to obtain the parameters used in the subsequent creation of the filters requires storage, either in a long term storage where the association takes place at a time after the filter is created, or at the very least buffered, when the filter is associated with the content after the filter is created);

A profile selecting means for selecting at least one profile and a profile ID corresponding thereto from said profile data stored in said profile data memory means (the means which selects the filter, or filters, to be associated with content, paragraphs 72-75);

A profile ID determining means for determining a profile ID to be linked with said contents data based on the profile ID generated by said profile ID generating means (the same means which selects the filter, or filters, to be associated with content, paragraphs 72-75); and

A profile ID writing means for writing said profile ID determined by said profile ID determining means into said corresponding contents data (the data inserter 110 in fig. 1); wherein

Said transmitting apparatus comprises a data transmitting means for transmitting said contents data containing said profile ID writing by said profile ID

writing means via broadcasting form (the means which places the outbound data

onto broadcasting network 120).

Regarding claims 4 and 74, Maillard and Sezan disclose the system and

apparatus of claims 1 and 73, wherein at least one of said receiving apparatuses

comprises a received profile ID data processing means which is constituted so as

to be able to analyze said profile ID received by said data selecting and receiving

means and change said received profile ID data stored in said received profile ID

data memory means (Maillard teaches the stored profile data is remotely

updated, paragraph 42, function 3).

Regarding claims 5, 6, 8, 75, 76, and 78, Maillard and Sezan disclose the

system and apparatus of claims 1, 4, 73, and 74, wherein said receiving device

of at least one of said receiving apparatuses incorporates said received profile ID

data processing means, said data selecting and receiving means, and said

received data processing means (Maillard teaches the entire receiving apparatus

is an integrated stand alone unit, paragraph 39).

Regarding claims 7 and 77, Maillard and Sezan disclose the system and

apparatus of claims 4 and 74, wherein said received profile ID data processing

means generates said received profile ID data (Maillard teaches the viewer

inputs viewer profile information manually, paragraph 38, which is processed by

the receiving apparatus prior to being sent upstream to server 180, paragraph

42).

Regarding claims 9 and 79, Maillard and Sezan disclose the system and

apparatus of claims 2 and 73, wherein said data selecting and receiving means

comprises a profile ID identifying means for identifying whether said contents

data should be received or not based on said profile ID added to said contents

data and in accordance with said received profile ID data stored in said received

profile ID data memory means and a data receiving means for solely receiving

such a contents data identified by said profile ID identifying means to be

receivable (the profile ID of received content is compared to the stored profile of

the viewer and content is filtered accordingly, paragraphs 45 though 48).

Regarding claims 10 and 80, Maillard and Sezan disclose the system and

apparatus of claims 9 and 79, wherein said received data processing means

comprises an event signal generating means (CPU of the receiver) which

generates an event signal for instruction execution of a predetermined process

(display of the content) in accordance with said profile ID identified by said profile

identifying means to be receivable (positive comparison) and then outputs said

events signal, and a contents data processing means for executing a

predetermined process against a contents data wherein based on said event

processing data, said event signal generating means generates said event

signal, whereas said contents data processing means executes a predetermined

process against a contents data in accordance with said event signal generated

by said event signal generating means (Maillard teaches upon determining the

content is to be displayed based upon it's profile ID, the processor of the receiver

sends the appropriate signals to the proper components to enable the display of

the content, paragraph 48).

Regarding claims 11 and 81, Maillard and Sezan disclose the system and

apparatus of claims 10 and 80, wherein said event processing data is stored in

said received profile ID data memory means (the data which is used in

determining whether to generate and event signal is the user profile data, which

is stored in the received profile ID data memory means, the configuration

memory taught by Maillard, paragraph 38).

Regarding claims 12 and 82, Maillard and Sezan disclose the system and

apparatus of claims 10 and 80, wherein at least one of said receiving

apparatuses further comprises an event processing data memory means which

stored said event processing data therein (an inherent feature, as wherever

event processing data is stored, is by nature, the event processing data memory

means).

Regarding claims 13 and 83, Maillard and Sezan disclose the system and apparatus of claims 12 and 82, wherein said receiving device provided for at least one of said receiving apparatuses further comprises said event processing data memory means (also inherent, else the receiving device's processor would not be able to access the event processing data).

Regarding claims 14 and 84, Maillard and Sezan disclose the system and apparatus of claims 10 and 80, and additionally said received data processing means comprises a contents data memory means for accumulating and storing received contents data and said contents data processing means is constituted so as to be able to accumulate and store the received contents data and then to process said contents data accumulated and stored in said contents data memory means (Maillard teaches received interactive content is stored locally as well, paragraph 43).

Regarding claims 15 and 85, Maillard and Sezan disclose the system and apparatus of claims 10 and 80, wherein said received data processing means further comprises an event signal processing means which, based on an event signal generated by said event signal generating means and in accordance with said event processing data, executes a predetermined process against said receiving apparatus (the means which transfers content to the display, Maillard, paragraph 48).

Regarding claims 16 and 86, Maillard and Sezan disclose the system and apparatus of claims 1 and 79, wherein said transmitting apparatus is constituted as to be able to solely transmit said profile ID linked with said contents data (Maillard, paragraph 45), and said data selecting and receiving means provided for at least on of said receiving apparatuses comprises a profile ID identifying means which, based on said profile ID, identifies whether such a contents data linked with said profile ID should be received or not (Maillard, paragraph 48), and a contents data transmission requesting means which, based on the identified result determined by said profile ID identifying means, outputs a transmission requesting signal for requesting transmission of said contents data linked with said profile ID against said transmitting apparatus (Maillard teaches providing interactive services, wherein content linked to a profile ID is broadcast in response to an indicated desire to receive it, which is sent from the receiver equipment, paragraph 43).

Regarding claim 17, Maillard and Sezan disclose the system of claim 16, wherein said profile linking means is constituted as to cause said profile ID to be linked with said contents data by way of adding said profile ID to said contents data (Maillard, paragraph 45) and said data selecting and receiving means selects and receives said contents data based on said profile ID (Maillard, paragraphs 47, 48, and 57).

Regarding claim 18, Maillard and Sezan disclose the system of claim 16, wherein Maillard teaches said profile ID linking means comprises:

A profile generating means for generating a profile related to said contents data (the means which either identifies or extracts the parameters which make up the broadcast script which defines the filter, or profile ID, paragraphs 45 and 56);

A profile ID generating means for generating a profile ID in correspondence with said profile of said contents data generated by said profile generating means (the means which, using the parameters describing content, creates the filter which is subsequently associated with the content, paragraph 56);

A profile data memory means for storing a profile data including said profile related to said contents data generated by said profile generating means and said profile ID generated by said profile ID generating means and related to each of said corresponding profiles (an inherent feature, as this is a digital system, and the dynamic processing of content to obtain the parameters used in the subsequent creation of the filters requires storage, either in a long term storage where the association takes place at a time after the filter is created, or at the very least buffered, when the filter is associated with the content after the filter is created);

A profile selecting means for selecting at least one profile and a profile ID corresponding thereto from said profile data stored in said profile data memory

means (the means which selects the filter, or filters, to be associated with content, paragraphs 72-75);

A profile ID determining means for determining a profile ID to be linked with said contents data based on the profile ID generated by said profile ID generating means (the same means which selects the filter, or filters, to be associated with content, paragraphs 72-75); and

A profile ID writing means for writing said profile ID determined by said profile ID determining means into said corresponding contents data (the data inserter 110 in fig. 1); wherein

Said transmitting apparatus comprises a data transmitting means for transmitting said contents data containing said profile ID writing by said profile ID writing means via broadcasting form (the means which places the outbound data onto broadcasting network 120).

Regarding claim 19, Maillard and Sezan disclose the system of claim 16, wherein at least one of said receiving apparatuses comprises a received profile ID data processing means which is constituted so as to be able to analyze said profile ID received by said data selecting and receiving means and change said received profile ID data stored in said received profile ID data memory means (Maillard teaches the stored profile data is remotely updated, paragraph 42, function 3).

Regarding claims 20, 21, and 23, Maillard and Sezan disclose the system of claims 16 and 19, wherein said receiving device of at least one of said receiving apparatuses incorporates said received profile ID data processing means, said data selecting and receiving means, and said received data processing means (Maillard teaches the entire receiving apparatus is an integrated stand alone unit, paragraph 39).

Regarding claim 22, Maillard and Sezan disclose the system of claim 19, wherein said received profile ID data processing means generates said received profile ID data (Maillard teaches the viewer inputs viewer profile information manually, paragraph 38, which is processed by the receiving apparatus prior to being sent upstream to server 180, paragraph 42).

Regarding claim 24, Maillard and Sezan disclose the system of claim 17, wherein said data selecting and receiving means comprises a profile ID identifying means for identifying whether said contents data should be received or not based on said profile ID added to said contents data and in accordance with said received profile ID data stored in said received profile ID data memory means and a data receiving means for solely receiving such a contents data identified by said profile ID identifying means to be receivable (the profile ID of received content is compared to the stored profile of the viewer and content is filtered accordingly, Maillard, paragraphs 45 though 48).

Regarding claim 25, Maillard and Sezan disclose the system of claim 24, wherein said received data processing means comprises an event signal generating means (CPU of the receiver) which generates an event signal for instruction execution of a predetermined process (display of the content) in accordance with said profile ID identified by said profile identifying means to be receivable (positive comparison) and then outputs said events signal, and a contents data processing means for executing a predetermined process against a contents data wherein based on said event processing data, said event signal generating means generates said event signal, whereas said contents data processing means executes a predetermined process against a contents data in accordance with said event signal generated by said even signal generating means (Maillard teaches upon determining the content is to be displayed based upon it's profile ID, the processor of the receiver sends the appropriate signals to the proper components to enable the display of the content, paragraph 48).

Regarding claim 26, Maillard and Sezan disclose the system of claim 25, wherein said event processing data is stored in said received profile ID data memory means (the data which is used in determining whether to generate and event signal is the user profile data, which is stored in the received profile ID data memory means, the configuration memory taught by Maillard, paragraph 38).

Regarding claim 27, Maillard and Sezan disclose the system of claim 25, wherein at least one of said receiving apparatuses further comprises an event processing data memory means which stored said event processing data therein (an inherent feature, as wherever event processing data is stored, is by nature, the event processing data memory means).

Regarding claim 28, Maillard and Sezan disclose the system of claim 27, wherein said receiving device provided for at least one of said receiving apparatuses further comprises said event processing data memory means (also inherent, else the receiving device's processor would not be able to access the event processing data).

Regarding claim 29, Maillard and Sezan disclose the system of claim 25, and additionally said received data processing means comprises a contents data memory means for accumulating and storing received contents data and said contents data processing means is constituted so as to be able to accumulate and store the received contents data and then to process said contents data accumulated and stored in said contents data memory means (Maillard teaches received interactive content is stored locally as well, paragraph 43).

Regarding claim 30, Maillard and Sezan disclose the system of claim 25, wherein said received data processing means further comprises an event signal

processing means which, based on an event signal generated by said event

signal generating means and in accordance with said event processing data,

executes a predetermined process against said receiving apparatus (the means

which transfers content to the display, Maillard, paragraph 48).

Regarding claim 31, Maillard and Sezan disclose the system of claim 30,

wherein at the time at which said profile ID identifying means identifies whether

transmission of a contents data linked with said profile ID should be requested or

not, said events signal generating means is constituted to generate an event

signal (processor instruction initiating an upstream request) and said contents

data transmission requesting means outputs a transmission requesting signal for

requesting transmission of said contents data linked with said profile ID (Maillard

teaches providing interactive services, wherein content linked to a profile ID is

broadcast in response to an indicated desire to receive it, which is sent from the

receiver equipment, paragraph 43).

Regarding claim 32, Maillard and Sezan disclose the system of claim 1,

wherein said data communication system further comprises a communication

data processing apparatus which receives a data transmitted by said transmitting

apparatus and then transmits received data to at least one of said receiving

apparatuses (Maillard, fig. 1, data inserter 110), and said communication data

processing apparatus comprises said profile ID linking means (Maillard teaches

the data inserter is what performs the digital multiplexing of content with

additional data, paragraph 36).

Regarding claim 33, Maillard and Sezan disclose the system of claim 32,

wherein Maillard discloses the profile ID linking means comprises:

A profile generating means for generating a profile related to said contents

data (the means which either identifies or extracts the parameters which make up

the broadcast script which defines the filter, or profile ID, paragraphs 45 and 56);

A profile ID generating means for generating a profile ID in

correspondence with said profile of said contents data generated by said profile

generating means (the means which, using the parameters describing content,

creates the filter which is subsequently associated with the content, paragraph

56);

A profile data memory means for storing a profile data including said

profile related to said contents data generated by said profile generating means

and said profile ID generated by said profile ID generating means and related to

each of said corresponding profiles (an inherent feature, as this is a digital

system, and the dynamic processing of content to obtain the parameters used in

the subsequent creation of the filters requires storage, either in a long term

storage where the association takes place at a time after the filter is created, or

at the very least buffered, when the filter is associated with the content after the

filter is created);

A profile selecting means for selecting at least one profile and a profile ID corresponding thereto from said profile data stored in said profile data memory means (the means which selects the filter, or filters, to be associated with content, paragraphs 72-75);

A profile ID determining means for determining a profile ID to be linked with said contents data based on the profile ID generated by said profile ID generating means (the same means which selects the filter, or filters, to be associated with content, paragraphs 72-75); and

A profile ID writing means for writing said profile ID determined by said profile ID determining means into said corresponding contents data (the data inserter 110 in fig. 1); wherein

Said transmitting apparatus comprises a data transmitting means for transmitting said contents data containing said profile ID writing by said profile ID writing means via broadcasting form (the means which places the outbound data onto broadcasting network 120).

Regarding claim 34, Maillard and Sezan disclose the system of claim 32, wherein at least one of said receiving apparatuses comprises a received profile ID data processing means which is constituted so as to be able to analyze said profile ID received by said data selecting and receiving means and change said received profile ID data stored in said received profile ID data memory means

(Maillard teaches the stored profile data is remotely updated, paragraph 42, function 3).

Regarding claims 35, 36, and 38, Maillard and Sezan disclose the system of claims 32 and 34, wherein said receiving device of at least one of said receiving apparatuses incorporates said received profile ID data processing means, said data selecting and receiving means, and said received data processing means (Maillard teaches the entire receiving apparatus is an integrated stand alone unit, paragraph 39).

Regarding claim 37, Maillard and Sezan disclose the system of claim 34, wherein said received profile ID data processing means generates said received profile ID data (Maillard teaches the viewer inputs viewer profile information manually, paragraph 38, which is processed by the receiving apparatus prior to being sent upstream to server 180, paragraph 42).

Regarding claim 39, Maillard and Sezan disclose the system of claim 32, wherein said data selecting and receiving means comprises a profile ID identifying means for identifying whether said contents data should be received or not based on said profile ID added to said contents data and in accordance with said received profile ID data stored in said received profile ID data memory means and a data receiving means for solely receiving such a contents data

identified by said profile ID identifying means to be receivable (the profile ID of

received content is compared to the stored profile of the viewer and content is

filtered accordingly, Maillard, paragraphs 45 though 48).

Regarding claim 40, Maillard and Sezan disclose the system of claim 39,

wherein said received data processing means comprises an event signal

generating means (CPU of the receiver) which generates an event signal for

instruction execution of a predetermined process (display of the content) in

accordance with said profile ID identified by said profile identifying means to be

receivable (positive comparison) and then outputs said events signal, and a

contents data processing means for executing a predetermined process against

a contents data wherein based on said event processing data, said event signal

generating means generates said event signal, whereas said contents data

processing means executes a predetermined process against a contents data in

accordance with said event signal generated by said event signal generating

means (Maillard teaches upon determining the content is to be displayed based

upon it's profile ID, the processor of the receiver sends the appropriate signals to

the proper components to enable the display of the content, paragraph 48).

Regarding claim 41, Maillard and Sezan disclose the system of claim 38,

wherein said event processing data is stored in said received profile ID data

memory means (the data which is used in determining whether to generate an

event signal is the user profile data, which is stored in the received profile ID data

memory means, the configuration memory taught by Maillard, paragraph 38).

Regarding claim 42, Maillard and Sezan disclose the system of claim 38,

wherein at least one of said receiving apparatuses further comprises an event

processing data memory means which stored said event processing data therein

(an inherent feature, as wherever event processing data is stored, is by nature,

the event processing data memory means).

Regarding claim 43, Maillard and Sezan disclose the system of claim 42,

wherein said receiving device provided for at least one of said receiving

apparatuses further comprises said event processing data memory means (also

inherent, else the receiving device's processor would not be able to access the

event processing data).

Regarding claim 44, Maillard and Sezan disclose the system of claim 40,

and additionally said received data processing means comprises a contents data

memory means for accumulating and storing received contents data and said

contents data processing means is constituted so as to be able to accumulate

and store the received contents data and then to process said contents data

accumulated and stored in said contents data memory means (Maillard teaches

received interactive content is stored locally as well, paragraph 43).

Regarding claim 45, Maillard and Sezan disclose the system of claim 40, wherein said received data processing means further comprises an event signal processing means which, based on an event signal generated by said event signal generating means and in accordance with said event processing data, executes a predetermined process against said receiving apparatus (the means which transfers content to the display, Maillard, paragraph 48).

Regarding claims 46 and 88, Maillard and Sezan disclose the system and apparatus of claims 1 and 79, wherein said data receiving device is a memory card (Sezan teaches the user profile data is stored on a smart card, col. 5 line 66 – col. 7 line 9).

Regarding claims 52 and 94, Maillard and Sezan disclose the system and apparatus of claims 1 and 73, wherein said profile ID is composed of an identifier (Maillard teaches qualitative criterion, or specific identifiers, are included in the profile ID in paragraph 59).

Regarding claim 53, 54, 95, and 96, Maillard and Sezan disclose the system of apparatus of claims 1 and 73, wherein said profile linking means is constituted as to cause a plurality of said profile IDs to be linked with said contents data via the form of OR (Maillard, paragraph 66).

Regarding claims 56 and 57, Maillard and Sezan disclose the system of claim 1, but fail to disclose the transmitting apparatus is mounted on a movable means.

Examiner takes official notice that it is notoriously well known in the art to utilize mobile transmission stations, transmitter vehicles, which allow for the dynamic transmission of content to remote or otherwise inaccessible areas which may lack the necessary infrastructure for data broadcasting.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Maillard and Sezan to mount the transmitting apparatus on a movable means, for the benefit of providing geographically dynamic transmission points.

Regarding claims 58 and 105, Maillard and Sezan disclose the system and apparatus of claims 1 and 73, wherein said contents data includes sale data and prize data (Maillard, paragraph 41).

Regarding claim 61, Maillard and Sezan disclose the system of claim 15, wherein based on said event signal generated by said event signal generating means and in accordance with said event processing data, said event signal processing means is constituted as to activate a program (Maillard, paragraph 48).

Regarding claims 62-66, 100, and 101, Maillard and Sezan disclose the system and apparatus of claims 1 and 73, but fail to disclose encrypting the profile ID and the contents data using a DES or triple DES secret key and an RSA, RC2, RC4, or RGP public key.

Examiner takes official notice that encrypting broadcast data using public and private keys is notoriously well known in the art, and it used extensively in broadcast systems to provide security in data transmissions.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Maillard and Sezan to encrypt the profile ID and contents data for the benefit of providing secured transmission of data from the transmission apparatus to the receiving apparatus.

Regarding claims 69 and 106, Maillard and Sezan disclose the system and apparatus of claims 1 and 73, wherein said profile ID is structured by way of being input into ID space in the address forming system (the placement of the filter within the broadcast stream is by nature, the ID space, Maillard, paragraph 56 and 57 teach the filter is a variable sized file which is associated along with programming content).

Regarding claims 70 and 107, Maillard and Sezan disclose the system and apparatus of claims 1 and 73, but fail to disclose said profile ID linking

means causes said contents data to be linked with said profile ID by applying

water mark technique.

Examiner takes official notice that it is notoriously well known in the art to

couple identification data with broadcast content using watermarking techniques

to incorporate the identification data into the broadcast content, making the

association very secure and difficult to tamper with.

It would have been obvious at the time to a person of ordinary skill in the

art to modify the system and apparatus of Maillard and Sezen to linke said profile

ID with said contents data using water mark technique, for the benefit of making

the association robust and secure, as attempts to remove watermarked data

often degrades or destroys the original content.

Regarding claims 71 and 102, Maillard and Sezan disclose the system

and apparatus of claims 1 and 73, wherein said communications network is a

group TV broadcasting network, a satellite broadcasting network, or a cable TV

broadcasting network (Maillard, fig. 1, broadcasting network 120, paragraphs 33

through 37).

Regarding claims 72 and 108, Maillard and Sezan disclose the system

and apparatus of claims 1 and 73, wherein said contents data is stream form

video data signals (Maillard teaches the contents are television broadcasts,

paragarsph 33 and 34).

7.   Claims 47, 48, 59, 60, 67, 68, 89, 9, 97, 98, 103, and 104 are rejected under 35

U.S.C. 103(a) as being unpatentable over Maillard and Sezan as applied to claims 1,

73, and 79 above, and further in view of Ellis et al. (6,774,926) [Ellis].

Regarding claims 47 and 89, Sezan additionally teaches associating

profile data with content that includes data related to the contents of each

contents data (program description data, col. 4, lines 20-39 and col. 4 line 40 –

col. 5 line 9), and data related to the receiving apparatus which receives the data

(system description data, col. 4, lines 20-39 and col. 6, lines 23-38), providing the

benefit of dynamic content filtering which is independent of the particular means

of transmission and reception (col. 7 line 16 – col. 8 line 10).

It would have been obvious at the time to a person of ordinary skill in the

art to modify the system disclosed by Maillard and Sezan to include in the profile

data related to the contents of each contents data and data related to the

receiving apparatus, as taught by Sezan, for the benefit of performing dynamic

content filtering which is independent of the particular means of transmission,

thus the content could be received over a cable network, satellite broadcast, or

even the Internet, and independent of the particular means of reception, as the

receiver could be a computer, television, set top box, or other device.

Maillard and Sezan fail to disclose the profile comprises data related to

said transmitting apparatus.

In an analogous art, Ellis teaches an interactive video distribution system wherein profile data is associated distributed content (scheduling and source information, col. 4, lines 19-41), wherein said profile data includes data related to the transmitting apparatus (such as the programming schedules the transmitting apparatus is operating by, col. 8, lines 37-67), providing the benefit of allowing ...users to access desired data relating to the transmitting apparatus, such as the display of a programming guide which gives the times of broadcast of various programs (col. 9, lines 16-26) and identification information which identifies the source of the content (col. 13, lines 37-50 and col. 11, lines 46-52).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Maillard and Sezan to include in the profile data related to said transmitting apparatus, as taught by Ellis, for the benefit of allowing users to access desired data relating to the source of the content, such as future scheduling and content source information.

Regarding claims 48 and 90, Maillard, Sezan, and Ellis disclose the system of claims 47 and 89, wherein the data related to said transmitting apparatus includes the name of the transmitting party (Ellis teaches the call letters of a content source are included in the profile data, col. 11, lines 46-52), the time related to the transmission (Ellis also teaches including scheduling data, col. 11, lines 46-52 and col. 4, lines 19-41), the location of the transmission (when delivering data over the Internet, Sezan, col. 7, lines 56-63, the source

address of such a delivery in included in the data packets), and the method of

transmission (also relevant when the method of transmission is the Internet, as

reception of IP packets identifies the method of transmission to be an IP

network).

Regarding claims 59, 60, 67, 68, 97, 98, 103, and 104, Maillard and Sezan

disclose the system and apparatus of claims 1 and 73, but fail to disclose at least

one receiving apparatus a personal use receiving apparatus with short distance

radio function, carried by a user.

In an analogous art, Ellis teaches receiving content using a cellular phone

with a display (col. 8, lines 50-67), for the benefit of receiving content on a

portable, hand held device, which is convenient for users.

It would have been obvious at the time to a person of ordinary skill in the

art to modify the system and apparatus disclosed by Maillard and Sezan to

include at least one receiving apparatus is a cellular phone, as taught by Ellis, for

the benefit of receiving content on a portable, hand held, and thus convenient

device.

8.   Claims 50 and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Maillard, Sezan, and Ellis as applied to claims 47 and 89 above, and further in view

of Freimann (6,604,243).

Regarding claims 50 and 92, Maillard, Sezan, and Ellis disclose the system of claims 47 and 89, but fail to disclose the profile includes such a data containing a tree structure.

In an analogous art, Freimann teaches a video distribution system (fig. 1) wherein received data is filtered according to stored criteria (col. 4, lines 59-67) and includes data containing a tree structure (fig. 6, col. 7 lines 43-65), providing the benefit of providing a more memory efficient data structure for used for data filtering (col. 6 line 63 – col. 7 line 2).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Maillard, Sezan, and Ellis to include in the profile data containing a tree structure, as taught by Freimann, for the benefit of utilizing a memory efficient data structure for content filtering.

9.   Claim 99 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maillard and Sezan as applied to claim 85 above, and further in view of Ellis and MacDonald et al. (5,293,161) [MacDonald].

Regarding claim 99, Maillard and Sezan disclose the apparatus of claim 85, wherein based on said event signal generated by said event signal generating means and in accordance with said event processing data, said event signal processing means executes a variety of processes against said receiving apparatus, said processing including generation of audio (the audio associated with the display of content), transfer of data (to the display), commencement of

communication (transfer of data to the display where it is communicated to the user), activation of programs (displaying them), and reading of a contents data (displaying the data, Maillard, paragraph 48).

Maillard and Sezan fail to disclose said processes include display of a pop-up message and activation of a vibrator.

In an analgous art, Ellis teaches displaying pop-up messages to users to alert them to the availability of programming which interests them (col. 12 line 58 – col. 13 line 13), providing the benefit of instantly alerting users to available programming of interest.

It would have been obvious at the time to a person of ordinary skill in the art to modify the apparatus disclosed by Maillard and Sezan to include displaying pop-up messages, as taught by Ellis, for the benefit of instantly alerting users to available programming of interest, such that they aren't required to remember or otherwise know ahead of time what programs are available that they may wish to watch.

Maillard, Sezan, and Ellis fail to disclose said processes include activation of a vibrator.

In an analgous art, MacDonald teaches it is well known to alert users to the availability of received information by activating a vibrator (col. 1, lines 37-68), providing a non-intrusive means to alert users to the reception of information on hand held personal devices.

It would have been obvious at the time to a person of ordinary skill in the

art to modify the apparatus disclosed by Maillard, Sezan, and Ellis to include in

said processes activation of a vibrator, as taught by MacDonald, for the benefit of

providing a non-intrusive means to alert users to the reception of information on

hand held personal devices, such as when the receiving device is a cell phone

(as demonstrated by Ellis, col. 8, lines 50-67).

Allowable Subject Matter

10.   Claims 49, 51, 55, 87, 91, and 93 are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

Conclusion

11.   The following are suggested formats for either a Certificate of Mailing or
Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with
all correspondence concerning this application or proceeding to establish a date of
mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in
such communication being considered as timely if the established date is within the
required period for reply. The Certificate should be signed by the individual actually
depositing or transmitting the correspondence or by an individual who, upon information
and belief, expects the correspondence to be mailed or transmitted in the normal course
of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
  (Date)

Typed or printed name of person signing this certificate:

_____

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)_____ - _____ on _____.
  (Date)

Typed or printed name of person signing this certificate:

_____

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660, and effective March 21, 2005, will be (571 272-7302. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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